

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

JACKIE J. THINNA,	:
	:
Plaintiff	:
	:
v.	:
	CIVIL NO. 3:CV-06-1307
JEFFREY A. BEARD, <u>et al.</u> ,	:
	(Judge Kosik)
Defendants	:

**O R D E R**

**THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:**

Plaintiff Jackie J. Thinna, currently incarcerated at the State Correctional Institution at Waymart, Pennsylvania, filed this civil rights action on July 3, 2006, pursuant to 42 U.S.C. § 1983. On March 27, 2007, a motion to dismiss the complaint was filed by one (1) of the two (2) remaining Defendants named in this action - Defendant Purcell (Doc. 28). A brief in support of the motion was filed on the same date. Plaintiff has failed to file any opposition to the motion. On January 16, 2008, an Order was issued directing Plaintiff to file a brief in opposition to Purcell's motion to dismiss. (Docs. 43, 61.) The Order forewarned Plaintiff that if he failed to file his brief within the required time, the motion would be deemed unopposed and granted without a merits analysis.

Though the deadline for filing his opposing brief has long passed, Plaintiff has neither filed his brief in opposition to Defendant Purcell's motion to dismiss, nor requested an extension of time within which to do so. Consequently, the court will grant Defendant's motion to dismiss without a merits analysis. See M.D. Pa. Local Rule 7.6; Stackhouse v. Mazurkiewicz, 951 F.2d 29, 30 (3d Cir. 1991).

**AND NOW, THIS 14<sup>th</sup> DAY OF FEBRUARY, 2008, IT IS HEREBY  
ORDERED THAT** Defendant Purcell's motion to dismiss (Doc. 28 ) is **granted**.

*s/EDWIN M. KOSIK*  
United States District Judge